UNITED STATES DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE WASHINGTON, DC

FSIS NOTICE

51-14

10/10/14

MODERNIZATION OF POULTRY SLAUGHTER INSPECTION: CHANGE IN CHILLING REQUIREMENTS FOR READY-TO-COOK POULTRY

I. PURPOSE

This notice instructs inspection program personnel (IPP) on how to verify that poultry establishments, other than ratite, develop, implement, and maintain written procedures for carcass chilling to prevent the outgrowth of pathogens immediately after slaughter operations. The Agency has made several changes to the chilling regulations that will affect all establishments that slaughter poultry other than ratites. These changes include the removal from the regulations of specific time and temperature requirements for the chilling of ready-to-cook (RTC) poultry, and new requirements that poultry establishments develop, implement, and maintain written procedures to prevent outgrowth of pathogens on carcasses immediately after slaughter operations.

II. BACKGROUND

- A. On August 21, 2014 FSIS published a final rule to modernize poultry slaughter inspection (see *Modernization of Poultry Slaughter Inspection* (79 FR 49565). The rule is effective on October 20, 2014. The final rule establishes an additional inspection system called the New Poultry Slaughter Inspection System (NPIS) for young chickens and turkeys (9 CFR 381.76(b)(6)) and also includes several changes to the regulations that affect all establishments that slaughter poultry other than ratites.
- B. The final rule removes the prescriptive regulatory time and temperature parameters from the chilling requirements for all establishments producing RTC poultry except for ratites. Under the new regulations, establishments are required to incorporate procedures for chilling poultry into their Hazard Analysis and Critical Control Point (HACCP) plan or Sanitation Standard Operating Procedures (sanitation SOPs) or other prerequisite program (9 CFR 381.66(b)(3)).
- C. As discussed in the preamble to the final rule establishments may continue to follow the prescriptive parameters that FSIS removed from the regulations after the final rule goes into effect. The final rule also defines air chilling (9 CFR 381.66(e)). The changes give establishments flexibility to determine what chilling process is best suited for their operations to prevent outgrowth of pathogens on carcasses immediately after slaughter operations.
- D. On the effective date of the final rule (October 20, 2014) establishments will no longer need waivers of the regulatory provisions of 9 CFR 381.66 to use alternative approaches for chilling poultry. Thus, when this rule becomes effective, waivers from the prescribed chilling requirements granted under the *Salmonella* Initiative Program (SIP) (76 FR 41186, July 13,

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<u>2011</u>) will end. However, establishments may continue to use the alternative procedures or parameters for chilling that were approved when the waivers were granted.

E. FSIS amended 9 CFR 381.66 in the final rule to revise 9 CFR 381.66(b) and 9 CFR 381.66(e) and remove 9 CFR 381.66(c) (3) and (4).

III. IPP RESPONSIBILITIES

- A. Upon issuance of this notice, at the next weekly meeting, Inspectors-in-Charge (IICs) at poultry slaughter establishments, except those for ratites, are to discuss the information in this notice with the establishment and document the meeting in a Memorandum of Interview (MOI) in accordance with FSIS Directive 5000.1 Verifying an Establishment's Food Safety System, Chapter One, section VII, and provide a copy to establishment management. The effective date of the new requirements for chilling is October 20, 2014.
- B. IPP are to verify that all poultry slaughter establishments other than for ratites develop, implement, and maintain written procedures for chilling in their HACCP plan or sanitation SOPs, or other prerequisite programs(also referred to as the "HACCP system"). IPP are to verify that the procedures address, at a minimum, the potential for pathogen outgrowth, the conditions affecting carcass chilling, and when the chilling process is completed (9 CFR 381.66(b)(3)).
- C. IPP are to be aware that alternative procedures that were approved when waivers were granted under the SIP, or that were prescribed in the former time and temperature chilling regulations, are considered to be "safe harbors." After the final rule becomes effective, establishments may continue to follow these procedures to chill poultry if they incorporate the procedures into their HACCP plan or sanitation SOPs or other prerequisite programs. IPP are to verify that establishments are following the previously approved or formerly codified procedures as written.
- D. In the Public Health Information System (PHIS), IPP are to conduct verification tasks based on how the establishment has incorporated its written chilling procedures into its HACCP system as follows
 - If the establishment's written chilling procedures are part of their HACCP plan, IPP are
 to verify HACCP regulatory requirements by performing the appropriate HACCP
 verification task (e.g., Raw Intact HACCP or Slaughter HACCP Verification) as outlined
 in FSIS Directive 5000.1 Chapter III section II;
 - If the establishment's written chilling procedures are part of their sanitation SOPs, IPP are to verify that the establishment implements the procedures in their sanitation SOPs and meets all sanitation SOP regulatory requirements by performing the Operational SSOP Review and Observation task as outlined in <u>FSIS Directive 5000.1</u> Chapter II section III;
 - 3. If the establishment's written chilling procedures are part of a prerequisite program or other control measures, IPP are to verify the implementation of such programs by performing the Slaughter HACCP Verification task and following the steps as outlined in FSIS Directive 5000.1 Chapter III section VI.
- E. IPP are to verify that each official poultry slaughter establishment ensures that all poultry carcasses, parts, and giblets are chilled immediately after slaughter operations, so that there is no outgrowth of pathogens, unless such poultry is to be frozen or cooked immediately at the official establishment [9 CFR 381.66(b)(1) (I)].
- F. IPP are to verify that previously chilled poultry carcasses and major portions are kept chilled

to prevent the outgrowth of pathogens, unless such poultry is to be packed and frozen immediately at the official establishment [9 CFR 381.66(b)(1) (ii)].

- G. IPP are to verify that the establishment prevents the outgrowth of pathogens on the product while the product remains at the establishment [9 CFR 381.66(b) (2)].
- H. "Air chilling" is defined as the method of chilling raw poultry carcasses and parts predominantly by air (9 CFR 381.66(e)).). Ready-to-cook poultry may bear the claim "air chilled" or "air chilling" on its label only if the product was chilled under a process that meets this definition (9 CFR 381.129(b)(6)(v)). If establishments use air chilling as a method of chilling raw poultry carcasses and parts, IPP are to verify that the establishment's use, if any, of an antimicrobial intervention, applied with water at the beginning of the chilling process, does not result in any net pick-up of water or moisture during the chilling process. IPP are to be aware that RTC poultry may be labeled as "air chilled" if the initial antimicrobial intervention results in some temperature reduction of the product provided that the majority of temperature removal is accomplished exclusively by chilled air.
- I. IPP are to be aware that labels bearing "Air chilled" are generically approved and thus do not need to be submitted to the Agency for sketch label approval per 9 CFR 412.2 unless the claim is used in combination with another special statement or claim.

IV. ENFORCEMENT

- A. IPP are to document in PHIS compliance or noncompliance according to the methodology and steps outlined in FSIS Directive 5000.1 Chapter V.
- B. Using the appropriate PHIS task based on how the establishment has incorporated its written chilling procedures into its HACCP system IPP are to write an NR:
 - 1. If the establishment does not have written procedures, is not using a "safe harbor" (SIP waiver parameters or rescinded regulations), or has not incorporated the procedures into its HACCP system (9 CFR 381.66(b)(3);
 - 2. If the written procedures do not address, at a minimum, the potential for pathogen outgrowth, the conditions affecting carcass chilling, and when the chilling process is complete (9 CFR 381.66(b)(3));
 - 3. If the establishment does not immediately chill after slaughter operations all poultry carcasses, parts, giblets, and paws so that there is no outgrowth of pathogens, unless such poultry is to be frozen or cooked immediately at the official establishment (9 CFR 381.66(b)(1)(i));
 - 4. If previously chilled poultry carcasses and major portions are not kept chilled to prevent the outgrowth of pathogens, unless such poultry is to be packed and frozen immediately at the official establishment (9 CFR 381.66(b)(1) (ii));
 - 5. If the establishment is not preventing the outgrowth of pathogens on the product for the period that the product remains at the establishment (9 CFR 381.66(b) (2)); and
 - 6. If an establishment that labels its RTC poultry as "air chilled" uses a chilling process that results in a net pick up of water or moisture through the application of an antimicrobial agent or otherwise or that does not accomplish the majority of temperature removal exclusively by chilled air (9 CFR 381.66(e)).

V. QUESTIONS

Refer questions regarding this notice to the Policy Development Staff through <u>askFSIS</u> or by telephone at 1-800-233-3935. When submitting a question, use the **Submit a Question** tab, and enter the following information in the fields provided:

Subject Field: Enter Notice 51-14

Question Field: Enter question with as much detail as possible.

Product Field: Select **General Inspection** from the drop-down menu.

Category Field: Select **Regulation/Agency** from the drop-down menu.

Policy Arena: Select **Domestic (U.S.) Only** from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question.**

NOTE: Refer to <u>FSIS Directive 5620.1</u>, *Using askFSIS*, for additional information on submitting questions.

Assistant Administrator

Office of Policy and Program Development